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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

Continuation of 3. NOTE: The amendments to claim 1 change the scope of the claim. The claims now have the more narrow scope that requires the first washing liquid to be only filtrate from the washing device. Previously it only had to have some liquid from the washing device. Qvintus teaches a number of different embodiments, but most pointedly teaches that the recycled filtrate comes from thickening stages, not washing stages. This change in scope will require new consideration that was not previously present. Additionally, the claim further now limits that the second washing must contain liquid that completely from outside the washing device. Like previously stated, this is a change in scope that will require new search and consideration before a determination on patentability can be made.

Continuation of 11: Applicant's arguments focus mainly on the discrepancy on the definition of dilution factor. Previously the Examiner was giving the broadest reasonable definition of a dilution factor as a ratio of concentrations from before and after the washing/thickening stages. Applicant argues that the dilution factor is a difference between the used wash liquid and the liquid exiting the washer, and not the ratio. While the Examiner disagrees based on the broadest reasonable interpretation, he does admit that Applicant has explicitly defined the term in the specification as stated above, and will grant that definition for further consideration of the application.

The teachings of Qvintus are still relevant in the discussion of dilution factors. As stated previously, Qvintus teaches the concept of controlling the concentrations of the material flow through diluting, thickening, and recycling of filtrate and water. Qvintus only provides one numerical example (as stated in the prior office action). This single example does not limit the teachings to that example alone, but is utilized to provide a non-limiting example of the teachings. As in the obviousness statement previously given, one of ordinary skill in the art would have found the result effective variables easy to manipulate in light of the teachings of Qvintus, even if the single provided example provides a value of 2.5 (as argued by the Applicant) instead of 1 (the upper limit of the claim).

The Examiner further stands on the previous stance regarding the unexpected results. Applicant's arguments can not take the place of evidence in regards to surprising results. It is also unclear if the dilution of 1 provides for a surprising and unexpected result as compared to Qvintus which (by Applicants comments) has a dilution factor of 2.5. The arguments in the instant specification argues the results of the "balance calculations" but does not provide any data or comparative figures to what an "adequate amount" is for comparison.

The change in scope as listed above will require new consideration of the Qvintus reference as well as a new search in light of the more narrow limitations.

/Eric Hug/

Primary Examiner, Art Unit 1791